

March 15, 2018

Mr. Henry Leskinen  
Eco-Science Professionals Inc.  
P O Box 5006  
Glen Arm MD 21057

Re: Royal Farms Store #232 Nottingham MD 21236  
Forest Buffer Variance  
Tracking No. 05-17-2577

Dear Mr. Leskinen:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains submitted for the above referenced property. The request proposes to permanently impact 3,950 square feet of the forest buffer (3,718 square feet of upland forest, 232 square feet of forested wetland) for grading associated with a parking lot. In addition, 18,200 square feet of vegetative maintenance within the forest buffer is proposed for store visibility from Maryland Route 43. This maintenance area includes 7,531 square feet of upland forest, 7,647 square feet of forested wetland, and 3,022 square feet of mowed slope adjacent to the road. No impacts to stream channels or 100-year floodplain areas are proposed in this variance request. The applicant proposes to mitigate for the impacts through purchase of credits in an approved forest buffer mitigation bank.

This Department has reviewed the request, and has determined that a practical difficulty/unreasonable hardship does exist when considering the grading necessary for the parking lot in the fuel pump access area, but not for the vegetative maintenance proposed for visibility. It is acknowledged that the current layout has minimized buffer impacts to the extent possible when considering the location of wetlands, the required buffer, the power line right-of-way, and the necessary infrastructure for a market/fuel facility. Literal enforcement of the law would not allow for a practical commercial use of the property. Therefore, the potential for impacts to water quality and aquatic resources as a result of the development of this property can be minimized with mitigative measures.

This Department will not allow the proposed vegetative maintenance in the forest buffer on the property, but it should be noted that maintenance within the power line right-of-way must follow the utility right-of-way requirements. In addition, the applicant must consult the State of Maryland concerning the areas within the Route 43 right-of-way.

Based on this review, the proposed development with parking lot grading impacts within the required forest buffer on this property meets the requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

1. The following note must appear on all plans submitted for this project:

“On March 15, 2018, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains for impacts to 3,950 square feet of forest buffer area on the referenced property for grading associated with a parking lot. The applicant’s proposal for maintenance of vegetation in the buffer to allow for business visibility was not approved. Conditions were placed on this variance to reduce water quality impacts.”

2. The proposed 2:1 mitigation for the forested buffer and forested wetland impacts is acceptable. Details of all mitigation, including mitigation required in the alternatives analysis review for this project, must be presented in a Forest Buffer Protection Plan (FBPP). The FBPP must be approved prior to any permit approvals for this site. Use of an EPS approved mitigation bank requires a request from the applicant at the time when all mitigation requirements are finalized. Mitigation bank use is subject to availability.
3. “Forest Buffer-Do Not Disturb” signs shall be installed on the approved forest buffer limits. The location of the signs, and the sign specifications must be shown on the FBPP.
4. An Environmental Agreement shall be completed for any required securities related to the mitigation for the forest buffer impacts.
5. “Orange high visibility fence shall be **manually** installed along the limits of disturbance is within 50-feet of the approved forest buffer limits. This shall be completed and the location of the fence approved by Baltimore County Department of Environmental Protection & Sustainability (EPS) prior to any permit approvals, or at the time of a preconstruction meeting. If any problems arise regarding the fence location, unnecessary equipment clearing, etc., no permit will be issued until the required corrections are completed to the satisfaction of Baltimore County EPS.” This note must be placed on all plans for this project, and must appear in the beginning, where appropriate, of the sequence of operations on any sediment control and grading plans.
6. Any grading and sediment control plans must be reviewed and approved by this office.
7. All conditions of this variance must be completed to the satisfaction of this Department prior to any permit approvals for this project, unless otherwise stated above.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require approval of an amended variance request.

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Page 3

Please have the property owner sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

DVL: pad

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I/We agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, And Floodplains:

_____ Property Owner	_____ Date	_____ Printed Name of Property Owner
_____ Contract Purchaser	_____ Date	_____ Printed Name of Contract Purchaser